

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION**

Judy Jien, <i>et al.</i>)	
)	
)	
Plaintiffs,)	
)	CIVIL ACTION
v.)	No. 1:19-CV-2521
)	
Perdue Farms, Inc., <i>et al.</i> ,)	
)	
Defendants.)	
)	

**DEFENDANTS' JOINT MOTION TO DISMISS AMENDED CONSOLIDATED
COMPLAINT**

Defendants, by their respective undersigned counsel, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, hereby move to dismiss the Amended Consolidated Complaint filed by Plaintiffs, for failure to state a claim upon which relief can be granted. Defendants incorporate by reference, as if set forth fully herein, Defendants' Memorandum of Law in Support of Joint Motion to Dismiss Amended Consolidated Complaint, filed simultaneously herewith.

WHEREFORE, Defendants respectfully request that this Court enter an Order: (i) granting Defendants' Joint Motion to Dismiss Amended Consolidated Complaint; (ii) dismissing both counts of the Complaint with prejudice; and (iii) granting such other and further relief as this Court deems just and proper under the circumstances.

Dated: Baltimore, Maryland
March 2, 2020

Respectfully submitted,

/s/ Aaron L. Casagrande

Aaron L. Casagrande (Bar # 28518)
WHITEFORD, TAYLOR & PRESTON L.L.P.
Seven Saint Paul Street, Suite 1500
Baltimore, Maryland 21202
Tel: (410) 347-8714
Fax: (410) 234-2326
acasagrande@wtplaw.com

Carrie C. Mahan
Christopher J. Abbott
WEIL, GOTSHAL & MANGES LLP
2001 M Street N.W., Suite 600
Washington, D.C. 20036
Tel: 202-682-7000
Fax: 202-857-0940
carrie.mahan@weil.com
christopher.abbott@weil.com

Adam C. Hemlock
WEIL, GOTSHAL & MANGES LLP
767 Fifth Avenue
New York, NY 10153
Tel: 212-310-8000
Fax: 212-310-8007
adam.hemlock@weil.com

*Attorneys for Defendants Pilgrim's Pride
Corporation, Pilgrim's Pride Corporation of
West Virginia, Inc., and JFC LLC (d/b/a GNP
Company)*

/s/ J. Douglas Baldridge

J. Douglas Baldridge (Bar No. 11023)
Lisa Jose Fales (Bar No. 08141)
Danielle R. Foley (Bar No. 21113)
Andrew T. Hernacki (Bar No. 21107)
VENABLE LLP
600 Massachusetts Ave, N.W.
Washington, DC 20001
Tel: (202) 344-4000
jdbaldridge@venable.com
ljfales@venable.com
drfoley@venable.com
athernacki@venable.com

*Attorneys for Perdue Foods, LLC and Perdue
Farms, Inc.*

/s/ Edward J. Baines

Edward J. Baines (USDC Bar No. 06776)
Geoffrey M. Gamble (USDC Bar No. 28919)
Gregory L. Waterworth (USDC Bar No. 20938)
SAUL EWING ARNSTEIN & LEHR LLP
500 E. Pratt Street, 8th Floor
Baltimore, MD 21202-3133
Tel: (410) 332-8600
Fax: (410) 332-8862
Ted.Baines@saul.com
Geoff.Gamble@saul.com
Greg.Waterworth@saul.com

Patrick Fitzgerald
SKADDEN, ARPS, SLATE, MEAGHER &
FLOM LLP
155 N. Wacker Drive
Chicago, IL 60606
Tel: (312) 407-0700
Fax: (312) 407-0411
patrick.fitzgerald@skadden.com

Boris Bershteyn (*admitted pro hac vice*)
Lara Flath (*admitted pro hac vice*)
Sam Auld (*admitted pro hac vice*)
SKADDEN, ARPS, SLATE, MEAGHER &
FLOM LLP
One Manhattan West
New York, NY 10001
Telephone: (212) 735-3000
Facsimile: (212) 735-2000
boris.bershteyn@skadden.com
lara.flath@skadden.com
sam.auld@skadden.com

Attorneys for Defendant Peco Foods, Inc.

/s/ Kristen Knapp

Kristen A. Knapp (Bar No. 21169)
SIDLEY AUSTIN LLP
1501 K Street NW #600
Washington, DC 20005
Telephone: (202) 736-8219
Facsimile: (202) 736-8711
kknapp@sidley.com

John W. Treece (*admitted pro hac vice*)
1135 West Montana Street
Chicago, Illinois 60614
Tel: (312) 961-7808
jtreece@jwtreece.com

Amanda K. Wofford (*admitted pro hac vice*)
Bourgon B. Reynolds (*admitted pro hac vice*)
ROSE LAW FIRM
120 East Fourth Street
Little Rock, Arkansas 72201
Tel: (501) 377-0349
Fax: (501) 375-1309
awofford@roselawfirm.com
breynolds@roselawfirm.com

*Attorneys for Defendants Mountaire Farms,
Inc. and Mountaire Farms of Delaware, Inc*

/s/ Cary Silverman

Cary Silverman (Bar # 15137)
SHOOK HARDY & BACON LLP
1800 K Street NW, Ste. 1000
Washington, D.C. 20006
Tel: (202) 783-8400
Fax: (202) 783-4211
csilverman@shb.com

Lynn H. Murray
SHOOK HARDY & BACON LLP
111 S. Wacker Dr., Ste. 4700
Chicago IL 60606
Tel: (312) 704-7700
Fax: (312) 558-1195
lhmurray@shb.com

Laurie A. Novion
SHOOK HARDY & BACON LLP
2555 Grand
Kansas City, MO
64108 Tel: (816) 474-6550
Fax: (816) 421-5547
lnovion@shb.com

John R. Elrod
Vicki Bronson
CONNER & WINTERS
4375 N. Vantage Drive, Ste. 405
Fayetteville, AR 72703
Tel: (479) 582-5711
jelrod@cwlaw.com
vbronson@cwlaw.com

*Attorneys for Defendants Simmons Foods,
Inc. and Simmons Prepared Foods Inc.*

/s/ Brian D. Frey

Brian D. Frey (Bar # 17592)
ALSTON & BIRD LLP
The Atlantic Building 950 F Street, NW
Washington, D.C. 20004-1404
Tel: (202) 239-3067
Fax: (202) 239-3333
brian.frey@alston.com

B. Parker Miller
Valarie C. Williams
Raechel J. Bimmerle
ALSTON & BIRD LLP
1201 West Peachtree Street Atlanta, GA
30309
Tel: (404) 881-7000
Fax: (404) 881-7777
parker.miller@alston.com
valarie.williams@alston.com
raechel.bimmerle@alston.com

Attorneys for Fieldale Farms Corporation

/s/ Steven K. White

Steven K. White (Bar No. 04274)
STINSON LLP
1775 Pennsylvania Ave., NW, Suite 800
Washington, DC 20006
Tel: (202) 785-9100
Fax: (202) 572-9963
steven.white@stinson.com

William L. Greene
Peter J. Schwingler
Jon M. Woodruff
STINSON LLP
50 South Sixth Street, Suite 2600
Minneapolis, MN 55402
Tel: (612) 335-1500
Fax: (612) 335-1657
william.greene@stinson.com
peter.schwingler@stinson.com
jon.woodruff@stinson.com

Gary V. Weeks
K.C. Dupps Tucker
Kristy E. Boehler
THE LAW GROUP OF NW. ARKANSAS
LLP
1830 Shelby Lane Fayetteville, AR 72704
Tel: (479) 316-3760
Fax: (844) 325-6603
gary.weeks@lawgroupnwa.com
kc.tucker@lawgroupnwa.com
kristy.boehler@lawgroupnwa.com

*Attorneys for Defendants George's Inc.;
Ozark Mountain Poultry, Inc.; George's
Chicken, LLC; George's Foods, LLC; and
George's Processing, Inc.*

/s/ Gerard P. Martin

Gerard P. Martin, Bar No. 00691
Jeffrey M. Lichtstein, Bar No. 20731
ROSENBERG MARTIN GREENBERG,
LLP
25 S. Charles Street, 21st Floor
Baltimore, Maryland 21201
Tel: (410) 727-6600
Fax: (410) 727-1115
gmartin@rosenbergmartin.com
jlichtstein@rosenbergmartin.com

*Attorneys for Defendant Webber, Meng, Sahl
and Company, Inc. d/b/a WMS & Company,
Inc.*

/s/ Steven F. Barley

Steven F. Barley
HOGAN LOVELLS US LLP
100 International Drive, Suite 2000
Baltimore, Maryland 21202
Tel: (410) 659-2700
Fax: (410) 659-2701
steve.barley@hoganlovells.com

William L. Monts III
Justin W. Bernick
HOGAN LOVELLS US LLP
555 Thirteenth Street, N.W.
Washington, D.C. 20004-1109
Tel: (202) 637-5600
Fax: (202) 637-5910
william.monts@hoganlovells.com
justin.bernick@hoganlovells.com

Attorneys for Defendant Agri Stats, Inc.

/s/ Marlynda L. Romero

Christopher E. Ondeck
Stephen R. Chuk
Marlynda L. Romero (MD Bar No. 20808)
PROSKAUER ROSE LLP
1001 Pennsylvania Ave, NW, Suite 600S
Washington, DC 20004
Tel: (202) 416-5865
Fax: (202) 416-6899
condeck@proskauer.com
schuk@proskauer.com
mromero@proskauer.com

Attorneys for Defendant Wayne Farms, LLC

/s/ Eric Pelletier

Eric Pelletier (Bar # 12716)
OFFIT KURMAN, P.A.
4800 Montgomery Lane, 9th Floor
Bethesda, Maryland 20814
Tel: (240) 507-1739
Fax: (240) 507-1735
epelletier@offitkurman.com

John F. Terzaken (DC 474015)
Abram J. Ellis (DC 497634)
Elizabeth H. French (DC 1030684)
SIMPSON THACHER & BARTLETT
900 G Street, N.W.
Washington, DC 20001
Phone: 202-636-5500
Facsimile: 202-636-5502

Attorneys for Tyson Foods, Inc., Tyson Prepared Foods, Inc., Hillshire Brands Company, Tyson Fresh Meats, Inc., Tyson Processing Services, Inc., Tyson Refrigerated Processed Meats, Inc., Keystone Foods, LLC, Equity Group Eufaula Division, LLC, Equity Group – Georgia Division, LLC, and Equity Group Kentucky Division, LLC

/s/ Daniel E. Laytin

Daniel E. Laytin, P.C. (*pro hac vice*)
Christa C. Cottrell, P.C. (*pro hac vice*)
Stacy Pepper *pro hac vice*
KIRKLAND & ELLIS LLP
300 North LaSalle Street
Chicago, IL 60654
Tel: (312) 862-2000
Fax: (312) 862-2200
dlaytin@kirkland.com
ccottrell@kirkland.com
stacy.pepper@kirkland.com

Joseph C. Schroeder (*pro hac vice*)
KIRKLAND & ELLIS LLP
1301 Pennsylvania Ave N.W.
Washington, DC 20004
(202) 389-5118
joseph.schroeder@kirkland.com

Joseph W. Hovermill (Bar No. 22446)
Alexander P. Creticos (Bar No. 30199)
MILES & STOCKBRIDGE P.C.
100 Light Street
Baltimore, Maryland 21202
Tel: 410-385-3442
Fax: 410-385-3700
jhovermill@milesstockbridge.com
acreticos@milesstockbridge.com

Attorneys for Defendants Sanderson Farms, Inc., Sanderson Farms, Inc. (Foods Division), and Sanderson Farms, Inc. (Processing Division)

/s/ James E. Edwards, Jr.

James E. Edwards, Jr., (MDB No. 02360)
Ty Kelly Cronin, (MDB No. 27166)
BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, PC
100 Light Street
Baltimore, Maryland 21202
Tel: (410) 685-1120
Fax: (410) 547-0699
jedwards@bakerdonelson.com
tykelly@bakerdonelson.com

John G. Calender (DCB No. 939124)
BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, PC
901 K Street, N.W., Suite 900
Washington, D.C. 20001
Tel: (202)508-3474
Fax: (202) 220-2274
jcalender@bakerdonelson.com

Scott W. Pedigo (MSB No. 10735)
Amy L. Champagne (MSB No. 102447)
BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, PC
MAILING: Post Office Box 14167
Jackson, Mississippi 39236-4167
PHYSICAL: One Eastover Center
100 Vision Drive, Suite 400
Jackson, Mississippi 39211
Tel: (601) 351-2400
Fax: (601) 351-2424
spedigo@bakerdonelson.com
achampagne@bakerdonelson.com

Russell W. Gray (TNB No. 16120)
BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, PC
1800 Republic Centre
633 Chestnut Street
Chattanooga, Tennessee 37450-1801
Tel: (423) 209-4218
Fax: (423) 752-9563
rgray@bakerdonelson.com

*Attorneys for Defendants Koch Foods, Inc.,
JCG Foods of Alabama, Inc., JCG Foods of
Georgia, LLC, JCG Industries, Inc., Koch
Foods LLC, Koch Foods of Alabama, LLC,
Koch Foods of Ashland, LLC, Koch Foods of
Gadsden, LLC, Koch Foods of Cumming,
LLC, Koch Foods of Gainesville, LLC and
Koch Foods of Mississippi, LLC*

/s/ David B. Hamilton

David B. Hamilton (Bar No. 04308)
Hillary V. Colonna (Bar No. 19704)
WOMBLE BOND DICKINSON (US) LLP
100 Light Street, 26th Floor
Baltimore, MD 21202
Tel: (410) 545-5850
Fax: (410) 545-5801
David.Hamilton@wbd-us.com
Hillary.Colonna@wbd-us.com

Hayden J. Silver III (Pro Hac Vice)
Jonathon D. Townsend (Pro Hac Vice)
WOMBLE BOND DICKINSON (US) LLP
555 Fayetteville Street, Suite 1100
Raleigh, NC 27601
Tel: (919) 755-2188
Fax: (919) 755-7099
Jay.Silver@wbd-us.com
Jonathon.Townsend@wbd-us.com

Attorneys for Defendant
Butterball, LLC

/s/ Julia E. McEvoy

Julia E. McEvoy (Pro Hac Vice)
Christopher N. Thatch (Bar No. 29097)
JONES DAY
51 Louisiana Avenue, N.W.
Washington, D.C. 20001-2113
(202) 879-3867
jmcevoy@jonesday.com

Kathryn N. Hibbard (Pro Hac Vice)
GREENE ESPEL PLLP
222 South Ninth Street, Suite 2200
Minneapolis, MN 55402
(612) 373-0830
khibbard@greeneespel.com

*Attorneys for Cargill, Incorporated and
Cargill Meat Solutions Corporation*

/s/ Jonathan H. Todt

Richard A. Duncan (pro hac vice)
Craig S. Coleman (pro hac vice)
Emily E. Chow (pro hac vice)
Isaac B. Hall (pro hac vice)
FAEGRE DRINKER BIDDLE & REATH
LLP
2200 Wells Fargo Center
90 South Seventh Street
Minneapolis, MN 55402-3901
Phone: (612) 766-7000
Fax: (612) 766-1600
richard.duncan@faegredrinker.com
craig.coleman@faegredrinker.com
emily.chow@faegredrinker.com
isaac.hall@faegredrinker.com

Christopher A. Kreuder (pro hac vice)
FAEGRE DRINKER BIDDLE & REATH
LLP
801 Grand Avenue, 33rd Floor
Des Moines, IA 50309
Phone: (515) 248-4733
Fax: (515) 248-9010
christopher.kreuder@faegredrinker.com

Jonathan H. Todt (Bar No. 07166)
FAEGRE DRINKER BIDDLE & REATH
LLP
1500 K Street, N.W., Suite 1100
Washington, D.C. 20005-1209
Phone: (202) 230-5823
Fax: (202) 842-8465
jonathan.todt@faegredrinker.com

*Attorneys for Hormel Foods Corporation;
Jennie-O Turkey Store, Inc.; Jennie-O Turkey
Store, LLC; and Jennie-O Turkey Stores
Sales, LLC*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 2nd day of March 2020, Defendants' Joint Motion to Dismiss, Defendants' Memorandum of Law in Support thereof (including exhibits) and a proposed order were served via the Court's CM/ECF system on all counsel of record in accordance with the Federal Rules of Civil Procedure and the Local Rules of the United States District Court for the District of Maryland.

/s/ Aaron L. Casagrande
Aaron L. Casagrande